

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12386 of 2016

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1. Rita Devi D/o Late Durga Rajak, W/o Rajendra Prasad resident of
Village - Binova Nagar, P.S.- Magadh Medical, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya
2. The District Magistrate, Gaya , District-Gaya
3. The Sub-Divisional Officer, Gaya , District-Gaya
4. The Land Reforms Deputy Collector, Sadar, Gaya, District- Gaya
5. The Circle Officer, Town , Gaya, District-Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Respondent/s : Mr. Gp- Smt.Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioner.

The petitioner has filed this writ petition for setting aside the order dated 27.02.2016 as contained in Memo No.607 by which the Circle Officer himself stayed his own order as contained in Memo no.34 dated 11.01.2016(Annexure 4) for execution of the order of the D.C.L.R. passed in B.L.D. Case No.47 of 2015-16.

Learned counsel for the petitioner submits that the petitioner filed B.L.D. Case No.47 of 2015-16 before the D.C.L.R. and the D.C.L.R., Sadar Gaya vide order dated 20.11.2015 held the land to be of the petitioner and directed the Circle Officer to execute the order in accordance with law. But when Manoj Kumar brought this fact to the notice of the Circle Officer that against the order passed in B.L.D. Case No.47 of 2015-16, he filed appeal



vide Appeal No.30 of 2015-16 before the Commissioner, Magadh Division, Gaya, the Circle Officer vide Memo No.607 dated 27.02.2016 stayed his own order.

Learned counsel for the petitioner submits that Manoj Kumar has already withdrawn his appeal but even then the Circle Officer did not get the order of the D.C.L.R. executed in accordance with law.

According to the provision as contained in Section 15 of the Bihar Land Disputes Redressal Act, there is a provision for execution of the order. The Court who has passed the order himself get the order executed but no execution case is filed before the D.C.L.R. The Circle Officer himself after having received the order of the D.C.L.R. passed in Land Disputes Redressal Case No.47 of 2015-16 issued order directing the authorities to get the order executed.

In this view of the fact, I dispose of this writ petition with a direction to the D.C.L.R. to pass order in accordance with law on the representation already filed by the petitioner before him for execution of his order within 30 days from the date of receipt of this order.

Accordingly, this writ petition stands disposed of.

Saurabh/-

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(Prabhat Kumar Jha, J)

